

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN SHOLL, II,
Petitioner,
v.
MATTHEW ATCHLEY, WARDEN,
Respondent.

No. 2:21-cv-0064 KJM AC P

ORDER

Petitioner, a state prisoner proceeding pro se and in forma pauperis, filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 15, 2023, the magistrate judge issued findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 30. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:


4 1. The findings and recommendations issued March 15, 2023 (ECF No. 30), are
5 ADOPTED in full;

6 2. Respondent’s motion to dismiss (ECF No. 17) is GRANTED on the grounds of
7 *Younger* abstention;

8 3. This case is DISMISSED without prejudice; and

9 4. The court DECLINES to issue the certificate of appealability referenced in 28 U.S.C.
10 § 2253(c).

11 DATED: May 17, 2023.

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14 CHIEF UNITED STATES DISTRICT JUDGE
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